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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/540,326	01/25/2006	Sean Geoffrey Maddox	M3407.0012/P012	1635
38235 7590 04/20/2007 MEADWESTVACO CORPORATION ALEXANDRA B. URBAN, ESQ. 299 PARK AVENUE, 13TH FLOOR NEW YORK, NY 10171			EXAMINER BOSWELL, CHRISTOPHER J	
			ART UNIT 3676	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
3 MONTHS	04/20/2007	PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/540,326

Applicant(s)

MADDOX ET AL.

Examiner

Christopher Boswell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 15-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15-23,27 and 28 is/are rejected.
- 7) ☒ Claim(s) 24-26 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 July 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/6/06</u> . | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 15-23 and 27-28 are rejected under 35 U.S.C. 102(b) as being anticipated by British Patent Number 2,371,597 to Farrar et al.

Farrar et al. disclose an apparatus for releasing a magnetic security device (figure 6A), the apparatus having a first portion (bottom surface of slot 1) for locating an article (2) in a first direction and a second portion (rear surface of slot 1) for locating the article in a second direction substantially perpendicular to the first direction, the first and second portions forming a slot (1) for receiving the article but physically restraining the article in the first and second directions as it is brought into contact with the first and second portions, at least one of the first and second portions including magnetic release means (8 and 9) arranged to assist in locating the article in a third direction substantially perpendicular to the first and second direction by magnetic attraction of the security device as the article is brought into contact with the at least one of the first and second portions so as to align the magnetic security device with the magnetic release means (page 3, line 1-page 4, line 16), the magnetic release means being arranged to provide a first magnetic force (via element 8) in a first direction and a second magnetic force (via element 9) in the second direction for releasing a magnetic security device (3) from the article, as in claim 15.

Farrar et al. also disclose the first portion defines a first plane (plane defined by the first portion) and the second portion defines a second plane (plane defined by the second portion) substantially perpendicular to the first plane (figure 3A), as in claim 17, in which the first and second planes define a slot (1) having a substantially L-shaped cross-section (figure 3A), as in claim 18, as well as the first and second portions respectively comprise a base portion (bottom surface of slot 1) and a top portion (rear surface of slot 1) upstanding therefrom, as in claim 19, wherein the first and second portions are connected together by means of at least one mutually engageable projection and recess (the corner defining the transition between the bottom surface and the rear surface), as in claim 20, and a method of releasing a magnetic security device comprising the steps of providing apparatus in claim 15 (page 2, lines 9-23) and presenting an article with a magnetic security device thereto to release the magnetic security device therefrom (page 3, line 1-page 4, line 16), as in claim 28.

Farrar et al. further disclose a first magnet (8) mounted in the first portion provides the magnetic force in direction and a second magnet (9) mounted in the second portion provides the magnetic force in the second direction, as in claim 21, in which at least one of the first and second magnet comprises a plurality of parts (page 3, lines 13-19) which are held together in a configuration in which they tend to repel each other (page 2, lines 22-23; as the magnets are positioned orthogonal to each other, the magnetic force repels each other), as in claim 22, where at least one of the first and second magnets comprise a central part (8) with a plurality of further parts (9) adjacent thereto, the magnetic axes of each of the further parts being perpendicular to that of the central part (page 2, lines 22-23), as in claim 23.

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Farrar et al. additionally disclose an apparatus for releasing a magnetic security device (figure 6A), the apparatus having a first portion (bottom surface of slot 1) for locating an article (2) in a first direction and a second portion (rear surface of slot 1) for locating the article in a second direction substantially perpendicular to the first direction, so as to provide an L-shaped slot or receptacle (figure 3A; as defined by the bottom and rear surface) capable of receiving articles of a wide range of shapes and sizes (page 2, lines 3-8) having a security device (3) installed adjacent two substantially perpendicular sides thereof (figure 3A), at least one of the first and second portions including magnetic release means (8 and 9) arranged to provide a first magnetic force (via magnet 8) in the first direction and a second magnetic force (via magnet 9) in the second direction for releasing a magnetic security device (3) from the article, as in claim 16.

Farrar et al. also disclose at least one of the first and second portions including magnetic release means (8 and 9) arranged to assist in locating the article in a third direction substantially perpendicular to the first and second direction by magnetic attraction of the security device as the article is brought into contact with the at least one of the first and second portions so as to align the magnetic security device with the magnetic release means (page 3, line 1-page 4, line 16), as in claim 27.

***Allowable Subject Matter***

Claims 24-26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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The following is a statement of reasons for the indication of allowable subject matter: The claims are allowable over the prior art of record because the teachings of the references taken as a whole do not teach or render obvious the combination set forth, including that of a closure means that prevents an article from being presented to the magnetic release means.

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to security device releasing means:

U.S. Patent Number 7,140,489 to Lax et al., U.S. Patent Number 6,601,415 to Takinami, U.S. Patent Number 6,598,742 to Belden, Jr. et al., U.S. Patent Number 5,956,981 to Weisburn et al., U.S. Patent Number 5,850,752 to Lax, U.S. Patent Number 5,768,922 to Lax, U.S. Patent Number 5,598,728 to Lax, U.S. Patent Application Publication Number 2006/0254326 to Lax, U.S. Patent Application Publication Number 2006/0137410 to Choi et al., U.S. Patent Application Publication Number 2005/0160774 to Weinstein et al., U.S. Patent Application Publication Number 2004/0177657 to Kim.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Boswell whose telephone number is (571) 272-7054.

The examiner can normally be reached on 9:00 - 4:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571) 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christopher Boswell  
Examiner  
Art Unit 3676

CJB      *CB*  
April 16, 2007

*[Signature]*  
Suzanne Dino Baroni  
Primary Examiner